

**THE CITY OF KEY WEST
PLANNING BOARD
Staff Report**



To: Chairman and Planning Board Members

Through: Kevin Bond, AICP, LEED Green Associate, Acting Planning Director

From: Carlene Smith, LEED Green Associate, Planner II

Meeting Date: March 19, 2015

Agenda Item: **Variance - 2503 Fogarty Avenue (RE # 00050520-000000; AK # 1051128)** - A request for variance approval to off-street parking requirements and front and side yard setbacks in order to convert a carport into a new 1 ½ story addition on property located within the Single Family (SF) zoning district pursuant to Sections 90-395, 108-572 and 122-238(6)a.1 & 2 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: The applicant is proposing to convert a carport into a new 1 ½ story addition which would displace the only off street parking available on site. The front and side yard setback variances are triggered due to the increase in the three dimensional building envelope.

Applicant: William Shepler, Architect

Owner: Robin and Bethany Smith-Martin

Location: 2503 Fogarty Avenue (RE # 00050520-000000, AK # 1051128)

Zoning: Single-Family Residential (SF) Zoning District



Background and Request:

The property is comprised of a multi-family duplex residence. The existing structure is nonconforming to density, parking requirements, minimum front, side and rear yard setbacks, lot size, maximum building coverage and impervious surface ratio.

The applicant proposes to demolish an existing carport and build a 1 ½ story addition with a bedroom, bath and storage loft. The proposed development would bring the building coverage and impervious surface ratio further into compliance with the LDRs, but would increase the parking non-conformity by the removal of an existing parking space. Pursuant to Section 108-572, multi-family homes outside of the historic district require two (2) parking spaces per dwelling unit. Due to the proposed increase in the three-dimensional building envelope within the minimum front and side setbacks, variances are required. The eaves of the proposed 1 ½ story addition are the only encroachment on the side yard setback. The front of the addition will line up with the existing front porch.

There is currently a ten foot City right-of-way at the rear of the property, which is being encroached by the property owner’s shed, wood deck and privacy fence. The encroachment into the City right-of-way blocks access for City maintenance and utility crews to access the utility pole and provide necessary tree trimming maintenance.

In 2002, the owner received a pool and deck permit from the Building Department. However, the request for the proposed pool and deck was submitted with an incorrect boundary survey from a Miami surveyor (Orlando Grandal P.S.M.). The boundary survey included 8.7 feet of city property. Since the incorrect boundary survey included an additional 435 square feet of city property, the pool was positioned five feet from the “incorrect” rear property line.

Relevant SF Zoning District Dimensional Requirements: Code Section 122-238				
Dimensional Requirement	Required/ Allowed	Existing	Proposed	Change / Variance Required?
Maximum height	25 feet + 5 feet non-habitable	18 feet 1 inch	22 feet 2 inches	In compliance
Minimum lot size	6,000 SF	5,000 SF	5,000 SF	In compliance
Maximum density	8 dwelling units per acre	2 du / 0.08 ac= 17.42	2 du / 0.08 ac= 17.42	No change 2 du recognized
Maximum building coverage	35%	49.9% (2,483 sf)	48.2 % (2,412 sf)	Improving -1.7%
Maximum impervious surface	50%	52.8% (2,640 sf)	51.2% (2,569 sf)	Improving -1.6%
Minimum front setback	20 feet	13 feet 1 inch	13 feet 1 inch	Variance Rqd Increase Building Envelope
Minimum Southeast side setback	5 feet	11 inches (garage)	4 feet	Variance Rqd Increase Building Envelope
Minimum Southwest side setback	5 feet	4 feet 10 inches	4 feet 10 inches	No change
Minimum Rear setback	25 feet	24 feet 2 inches	24 feet 2 inches	No change
Minimum Open Space	35%	47.2% (2,360 sf)	48.8% (2,431 sf)	Improving +1.6%
Minimum Parking	2 Spaces per dwelling unit = 4	1	0	Variance Rqd -1

Process:

Development Review Committee Meeting:	December 19, 2014 February 26, 2015 (parking variance)
Planning Board Meeting:	March 19, 2015 February 19, 2015 (Postponed by staff)
Local Appeal Period:	30 days
DEO Review Period:	up to 45 days

Analysis – Evaluation for Compliance with the Land Development Regulations:

The criteria for evaluating a variance are listed in Section 90-395 of the City Code. The Planning Board before granting a variance must find all of the following:

1. *Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures or buildings in the same zoning district.*

The land, structures and buildings involved are located on the property within the SF Zoning District, and were developed prior to the adoption of the current land development regulations (LDRs). Thus, any and all the existing nonconformities were established prior to the current LDRs. However, many other land, structures and buildings within the SF Zoning District were also developed prior to the adoption of the current LDRs. Therefore, there are no special conditions or circumstances that exist peculiar to the land, structures or buildings involved.

NOT IN COMPLIANCE.

2. *Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.*

The existing conditions are not created by the applicant, nor do they result from the action or negligence of the applicant. However, the request to add a new 1 ½ story addition to an existing multi-family residence by reducing the only existing off street parking space on the property is generated from specific actions initiated by the applicant. However, it should be noted that the applicant is improving building coverage, impervious surface ratio and open space requirements.

NOT IN COMPLIANCE.

3. *Special privileges not conferred. That granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district.*

Section 122-27 of the Land Development Regulations discourages the expansion of site nonconformities. Therefore, adding a new 1 ½ story addition to an existing multi-family residence by reducing the only existing off street parking space on the property would confer special privileges upon the applicant.

NOT IN COMPLIANCE.

4. ***Hardship conditions exist. That literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.***

The existing lot size is less than the minimum required lot size in the SF zoning district and is nonconforming to density. That being said, the applicant currently has existing use of the site without the approval of the variance. The applicant can also redesign the addition to avoid displacing the off street parking space. Denial of the requested variance would not deprive the applicant of rights commonly enjoyed by other properties in the SF Zoning District. Therefore, hardship conditions do not exist.

NOT IN COMPLIANCE.

5. ***Only minimum variance granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.***

The variance requested is not the minimum required that will make possible the reasonable use of the land, building, or structure since the applicant currently has reasonable use of the site without the approval of the variance. However, it is the minimum necessary to accommodate the request.

NOT IN COMPLIANCE.

6. ***Not injurious to the public welfare. That the granting of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.***

Due to not being in compliance with all of the standards for considering variances, the granting of the requested variances would be injurious to the area involved and otherwise detrimental to the public interest.

NOT IN COMPLIANCE.

7. ***Existing nonconforming uses of other property not the basis for approval. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.***

Existing non-conforming uses of other properties, use of neighboring lands, structures, or buildings in the same district, or other zoning districts, are not the basis for this request.

IN COMPLIANCE.

Concurrency Facilities and Other Utilities or Service (Section 108-233):

There is currently a ten foot City right-of-way at the rear of the property which is being encroached by the property owner's shed, wood deck and privacy fence. The encroachment into the City right-of-way makes it impossible for City maintenance and utility crews to access the utility pole and provide necessary tree trimming maintenance.

The Planning Board shall make factual findings regarding the following:

1. *That the standards established by Section 90-395 of the City Code have been met by the applicant for a variance.*

The standards established by Section 90-395 of the City Code have not been fully met by the applicant for the variance requested.

2. *That the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.*

As of the date of this report the Planning Department received one public comment opposed to the variance request.

RECOMMENDATION:

Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for variances be **denied**. However, if the Planning Board approves this request, staff recommends the following conditions:

General Conditions:

1. The proposed development shall be consistent with the plans signed and sealed February 5, 2015 by William Byron Shepler, Registered Architect. No approval granted for any other work or improvements shown on the plans other than the addition of a new 1 ½ story addition (bedroom, bath and storage loft) to an existing multi-family residence.

Conditions required to be completed prior to issuance of a building permit:

2. Trees near and within the project area will be protected during construction/demolition. Trees located within the work area that may need to be removed or trimmed may require permits from the Tree Commission.

Conditions to be completed prior to the issuance of certificate of occupancy:

3. The encroachment of the shed, wood deck and privacy fence shall be removed from the City right-of-way at the rear of the property.
4. Roof gutters shall be installed on the new addition and downspouts shall be routed back onto the property, into landscaped areas, to prevent stormwater runoff from impacting adjacent properties.

Draft Resolution

**PLANNING BOARD
RESOLUTION NO. 2015-**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS A VARIANCE TO OFF-STREET PARKING REQUIREMENTS AND FRONT AND SIDE YARD SETBACKS ON PROPERTY LOCATED AT 2503 FOGARTY AVENUE (RE # 00050520-000000; AK # 1051128) IN THE SINGLE FAMILY (SF) ZONING DISTRICT PURSUANT TO SECTIONS 90-395, 108-572 AND 122-238(6)A.1 & 2 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.

WHEREAS, the applicant proposes to convert a carport into a new 1 ½ story addition which would displace the only off street parking available on site on property located at 2503 Fogarty Avenue (RE # 00050520-000000, AK # 1051128); and

WHEREAS, the multi-family duplex is located within the front and side yard setback, and is also non-conforming to lot size, building coverage and impervious surface ratio requirements as permitted in the SF zoning district; and

WHEREAS, the applicant requests variances to front and side yard setbacks; and

WHEREAS, Section 122-238 of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) provides that the minimum front yard setback is 20 feet and minimum side yard setback is 5 feet; and

WHEREAS, the proposed front yard setback is 20 feet and side yard setback is 4 feet; and

WHEREAS, the eaves of the proposed 1 ½ story addition is the only encroachment on the side yard setback and the front of the addition will line up with the existing front porch; and

WHEREAS, pursuant to Section 108-572, multi-family homes outside of the historic district

require two (2) parking spaces per dwelling unit;

WHEREAS, the property only has one off street parking space; and

WHEREAS, the property owner is requesting variance approval to off-street parking requirements in order to remove one off street parking space; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on March 19, 2015; and

WHEREAS, the Planning Board finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or buildings in the same district; and

WHEREAS, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

WHEREAS, the Planning Board finds that granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district; and

WHEREAS, the Planning Board finds that literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; and

WHEREAS, the Planning Board finds that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and

WHEREAS, the Planning Board finds that the granting of the variance will be in harmony

with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

WHEREAS, the Planning Board finds that no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts are grounds for the issuance of the requested variances; and

WHEREAS, the Planning Board finds that the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. An approval by Resolution of the Key West Planning Board for variance approval to off-street parking requirements and front and side yard setbacks in order to convert a carport into a new 1 ½ story addition on property located at 2503 Fogarty Avenue (RE # 00050520-000000, AK # 1051128) in the SF Zoning District pursuant to Sections 90-395, 108-572 and 122-238(6)a.1 & 2 of the City of Key West Land Development Regulations with the following conditions:

General Conditions:

1. The proposed development shall be consistent with the plans signed and sealed February 5, 2015 by William Byron Shepler, Registered Architect. No approval granted for any other work or improvements shown on the plans other than the addition of a new 1 ½ story addition (bedroom, bath and storage loft) to an existing multi-family residence.

Conditions required to be completed prior to issuance of a building permit:

2. Trees near and within the project area will be protected during construction/demolition. Trees located within the work area that may need to be removed or trimmed may require permits from the Tree Commission.

Conditions to be completed prior to the issuance of certificate of occupancy:

3. The encroachment of the shed, wood deck and privacy fence shall be removed from the City right-of-way at the rear of the property.
4. Roof gutters shall be installed on the new addition and downspouts shall be routed back onto the property, into landscaped areas, to prevent stormwater runoff from impacting adjacent properties.

Section 3. It is a condition of this variance that full, complete and final application for all conditions of this approval for any use and occupancy for which this variance is wholly or partly necessary, shall be submitted in its entirety within two years after the date hereof; and further, that no application shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

Section 4. The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to these variances in accordance with the terms of the approval as described in Section 3 hereof, shall immediately operate to terminate these variances, which variances shall be of no force or effect.

Section 5. This variance does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

Section 6. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Section 7. This Resolution is subject to appeal periods as provided by the City of Key

West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period, the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regularly scheduled meeting held this 19th day of March 2015.

Authenticated by the Chairman of the Planning Board and the Planning Director;

Richard Klitenick, Planning Board Chairman

Date

Attest:

Kevin Bond, AICP, LEED Green Associate, Acting Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date

_____ Chairman
_____ Planning Director

Application



Application For Variance

City of Key West, Florida • Planning Department

3140 Flagler Avenue • Key West, Florida 33040-4602 • 305-809-3720 • www.keywestcity.com

Application Fee: \$1,150.00 / After-the-Fact: \$2,150.00
(includes \$100.00 advertising/noticing fee and \$50.00 fire review fee)

Please complete this application and attach all required documents. This will help staff process your request quickly and obtain necessary information without delay. If you have any questions, please call 305-809-3720.

PROPERTY DESCRIPTION:

Site Address: 2503 FOGARTY AVE, KEY WEST, FL 33040

Zoning District: SF Real Estate (RE) #: _____

Property located within the Historic District? Yes No

APPLICANT: Owner Authorized Representative

Name: WILLIAM SHEPLER, ARCHITECT

Mailing Address: 513 FLEMING ST., SUITE 14

City: KEY WEST State: FL Zip: 33040

Home/Mobile Phone: 305-890-6191 Office: 305-890-6191 Fax: _____

Email: WILL @ WSHEPLER.COM

PROPERTY OWNER: (if different than above)

Name: ROBIN & BETHANY SMITH-MARTIN

Mailing Address: 2503 FOGARTY AVE.

City: KEY WEST State: FL Zip: 33040

Home/Mobile Phone: 305-890-6163 Office: _____ Fax: _____

Email: ROB @ KEYSMEDIA.COM

Description of Proposed Construction, Development, and Use: NEW 1 1/2 STORY ADDITION WITH BEDROOM, BATH & STORAGE LOFT

List and describe the specific variance(s) being requested:

FRONT SETBACK: NEW ADDITION WILL BE 13'-1" FROM FRONT PROPERTY LINE.

SIDE SETBACK: ROOF OVERHANG 4' FROM SIDE SETBACK

Are there any easements, deed restrictions or other encumbrances attached to the property? Yes No

If yes, please describe and attach relevant documents: _____

Will any work be within the dripline (canopy) of any tree on or off the property?
 If yes, provide date of landscape approval, and attach a copy of such approval.

Yes No

Is this variance request for habitable space pursuant to Section 122-1078?

Yes No

Please fill out the relevant Site Data in the table below. For Building Coverage, Impervious Surface, Open Space and F.A.R. provide square footages and percentages.

Site Data Table				
	Code Requirement	Existing	Proposed	Variance Request
Zoning	SF			
Flood Zone	AE7			
Size of Site	5,000 S.F.			
Height	25'	18'-1"	22'-2"	—
Front Setback	20'	13'-1"	13'-1"	6'-11"
Side Setback	5'	5'	4'	1'-0"
Side Setback	5'	N/A	N/A	—
Street Side Setback	N/A	N/A	N/A	—
Rear Setback	25'	N/A	N/A	—
F.A.R	N/A	N/A	N/A	—
Building Coverage	35%	49.9%	48.2%	N/A
Impervious Surface	50%	52.8%	51.2%	—
Parking	N/A	N/A	N/A	—
Handicap Parking	"	"	"	"
Bicycle Parking	"	"	"	"
Open Space/ Landscaping	"	"	"	"
Number and type of units	"	"	"	"
Consumption Area or Number of seats	"	"	"	"

This application is reviewed pursuant to Section 90-391 through 90-397 of the City of Key West Land Development Regulations (LDRs). The City's LDRs can be found in the Code of Ordinances online at http://www.municode.com/Library/FL/Key_West under Subpart B.

*Please note, variances are reviewed as quasi-judicial hearings, and it is improper for the owner or applicant to speak to a Planning Board member or City Commissioner about the hearing.

Standards for Considering Variances

Before any variance may be granted, the Planning Board and/or Board of Adjustment must find all of the following requirements are met:

- 1. Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures or buildings in the same zoning district.

VARIANCE REQUEST TO BE ABLE TO BUILD TO SAME SETBACK AS EXISTING NON-CONFORMING PORCH.

- 2. Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.

NO CONDITIONS EXIST AS RESULT OF NEGLIGENCE.

- 3. Special privileges not conferred. That granting the variance(s) requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district.

NO SPECIAL PRIVILEGES WILL BE CONFERRED.

- 4. Hardship conditions exist. That literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.

VARIANCE REQUEST TO BUILD ONLY TO EXISTING BUILDING LINE. EXISTING FRONT SETBACK IS ALREADY ENKROACHED UPON.

- 5. Only minimum variance(s) granted. That the variance(s) granted is/are the minimum variance(s) that will make possible the reasonable use of the land, building or structure.

THIS IS A SMALL ADDITION, ONLY LARGE ENOUGH FOR ONE BEDROOM WHICH IS NEEDED DUE TO LIMITED SPACE OF EXISTING ONE STORY STRUCTURE.

6. Not injurious to the public welfare. That granting of the variance(s) will be in harmony with the general intent and purpose of the land development regulations and that such variances will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.

THE SCOPE OF THIS PROJECT IS SUCH THAT IT SHALL HAVE MINIMUM IMPACT AND THEREFORE SHALL NOT BE DETRIMENTAL TO THE PUBLIC INTEREST OR WELFARE

7. Existing nonconforming uses of other property shall not be considered as the basis for approval. That no other nonconforming use of neighboring lands, structures, or buildings in the same district, and that no other permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

THERE WERE NO NONCONFORMING USES CONSIDERED FOR BASIS OF THIS APPROVAL.

The Planning Board and/or Board of Adjustment shall make factual findings regarding the following:

- That the standards established in Section 90-395 have been met by the applicant for a variance.
- That the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors. Please describe how you have addressed the "good neighbor policy."

REQUIRED SUBMITTALS: All of the following must be submitted in order to have a complete application. Please submit one paper copy and one electronic copy of all materials.

- Correct application fee. Check may be payable to "City of Key West."
- Notarized verification form signed by property owner or the authorized representative.
- Notarized authorization form signed by property owner, if applicant is not the owner.
- Copy of recorded warranty deed
- Property record card
- Signed and sealed survey
- Site plan (plans MUST be signed and sealed by an Engineer or Architect)
- Floor plans
- Stormwater management plan

Verification

**City of Key West
Planning Department**



Verification Form

(Where Authorized Representative is an individual)

I, WILLIAM SHEPLER, being duly sworn, depose and say that I am the Authorized Representative of the Owner (as appears on the deed), for the following property identified as the subject matter of this application:

2503 FOGARTY AVE., KEY WEST FL 33040
Street address of subject property

All of the answers to the above questions, drawings, plans and any other attached data which make up the application, are true and correct to the best of my knowledge and belief. In the event the City or the Planning Department relies on any representation herein which proves to be untrue or incorrect, any action or approval based on said representation shall be subject to revocation.

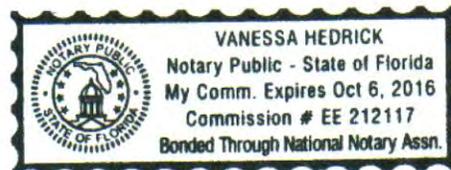
William Shepler
Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this NOV. 12, 2014 by
date

WILLIAM SHEPLER
Name of Authorized Representative

He/She is personally known to me or has presented FL D/C as identification.

Vanessa Hedrick
Notary's Signature and Seal



Vanessa Hedrick
Name of Acknowledger typed, printed or stamped

EE 212117
Commission Number, if any

Authorization

**City of Key West
Planning Department**



Authorization Form
(Individual Owner)

Please complete this form if someone other than the owner is representing the property owner in this matter.

I, ROBIN SMITH-MARTIN $\frac{1}{2}$ RETHANY RUTH OSTERMONT (SMITH-MARTIN) authorize
Please Print Name(s) of Owner(s) (as appears on the deed)

WILLIAM SHEPLER
Please Print Name of Representative

to be the representative for this application and act on my/our behalf before the City of Key West.

[Signature]
Signature of Owner

[Signature]
Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on this _____ by _____
date

Name of Authorized Representative

He/She is personally known to me or has presented FL DLs as identification.

[Signature]
Notary's Signature and Seal

KEVIN C LEANDER
Name of Acknowledger typed, printed or stamped

EG 860719
Commission Number, if any



Deed

MONROE COUNTY
OFFICIAL RECORDS

FILE #1200554
BK#1654 PG#1980

THIS INSTRUMENT PREPARED BY AND RETURN TO:
Century Title Corp.
101925 Overseas Highway
Key Largo, Florida 33037

RCD Sep 25 2000 09:40AM
DANNY L KOLHAGE, CLERK

Property Appraisers Parcel Identification (Folio) Numbers:

DEED DOC STAMPS 1820.00
09/25/2000 *JP* DEP CLK

Grantees SS #s: XXXXXXXXXX

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED, made the 15th day of **September, A.D. 2000** by **Jeanne S. Pickles and Frederick G. Pickles, her husband**, herein called the grantors, to **Robin Smith-Martin and Bethany R. Osterhout, his wife, tenants by the entireties** whose post office address is **815 Eaton Street, Key West, FL 33040**, hereinafter called the Grantees:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantors, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in MONROE County, State of Florida, viz:

On the Island of Key West, and known as the Key West Realty Company's Subdivision Number One of Tract 21 and Salt Pond Lots 1, 2, 4, and 5, as Lot Number 2, Square 43, the Diagram of said Subdivision is recorded in Plat book 1, page 43, of the Public Records of Monroe County, Florida. SUBJECT TO: Taxes for the year 2000 and subsequent; restrictions, easements, limitations, and covenants of record, if any.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the grantors hereby covenant with said grantees that the grantors are lawfully seized of said land in fee simple; that the grantors have good right and lawful authority to sell and convey said land, and hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1999.

IN WITNESS WHEREOF, the said grantors have signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Davis McGathery
Witness #1 Signature

DAVIS MCGATHERY
Witness #1 Printed Name

Margarita Villoch
Witness #2 Signature

MARGARITA VILLOCH
Witness #2 Printed Name

Jeanne S. Pickles L.S.
Jeanne S. Pickles

1012 Catherine Street, Key West, FL 33040

Frederick G. Pickles L.S.
Frederick G. Pickles

1012 Catherine Street, Key West, FL 33040

**STATE OF FLORIDA
COUNTY OF MONROE**

The foregoing instrument was acknowledged before me this 15th day of **September, 2000** by Jeanne S. Pickles and Frederick G. Pickles who are personally known to me or have produced *D.C.* as identification.

SEAL

My Commission Expires:



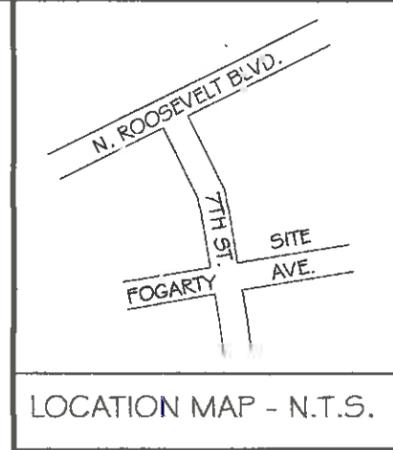
Scott Nyman
Commission # 00906299
Expires: March 17, 2004
Bonded Thru
Atlantic Bonding Co., Inc.

Scott Nyman
Notary Signature

Scott Nyman
Printed Notary Signature

Survey

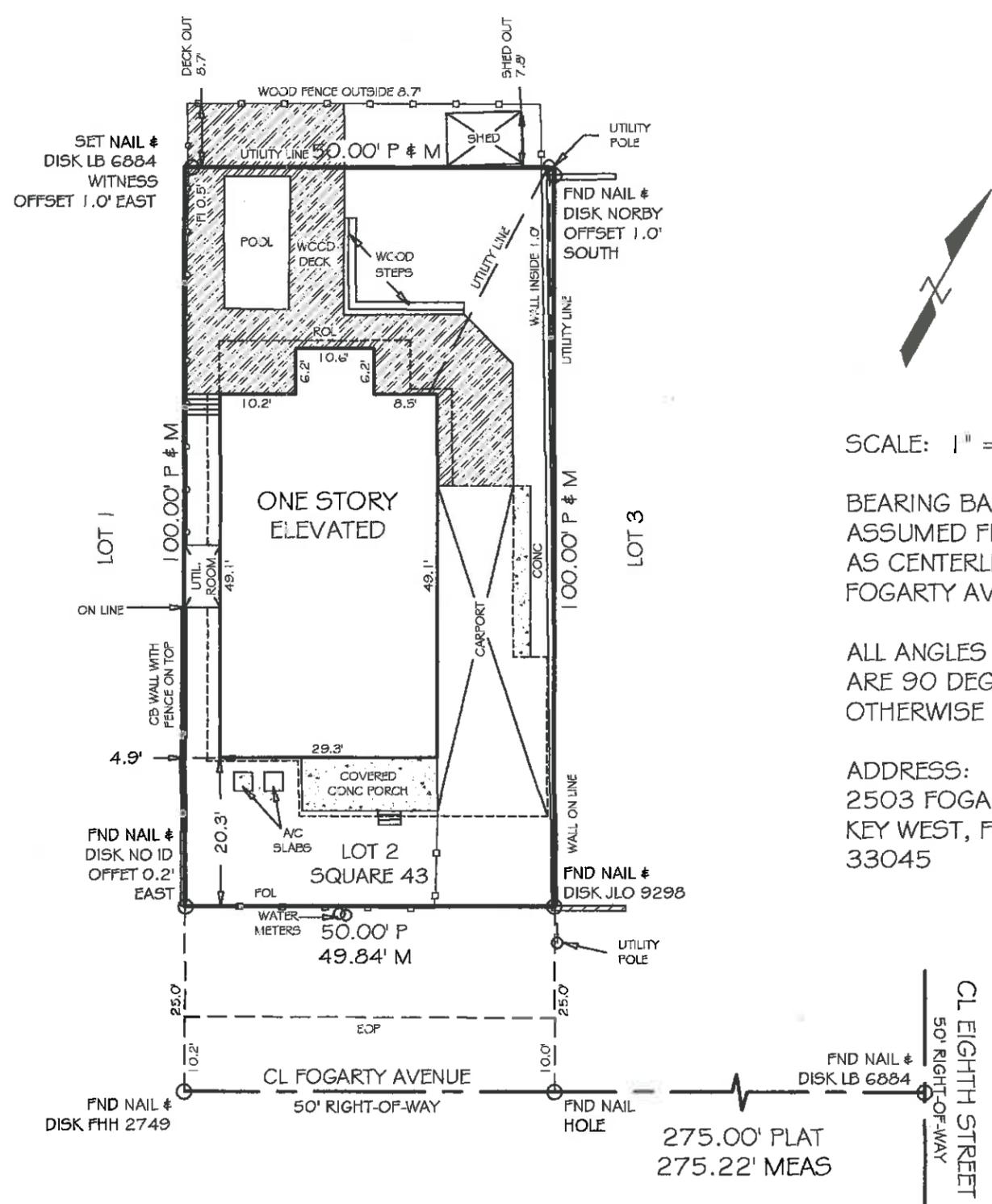
MAP OF BOUNDARY SURVEY LOT 2, SQUARE 43 KEY WEST REALTY COMPANY'S SUBDIVISION NO. 1



RECEIVED

NOV 26 2014

CITY OF KEY WEST
PLANNING DEPT.



SCALE: 1" = 20'

BEARING BASE:
ASSUMED FROM
AS CENTERLINE OF
FOGARTY AVE.

ALL ANGLES DEPICTED
ARE 90 DEGREES UNLESS
OTHERWISE INDICATED

ADDRESS:
2503 FOGARTY AVENUE
KEY WEST, FL.
33045

CERTIFIED TO -
ROBIN SMITH-MARTIN

LEGAL DESCRIPTION -
On the Island of Key West, and known as the Key West Realty Company's Subdivision Number One (1) of Tract Twenty-one (21) and Salt Pond Lots One (1), Two (2), Four (4) and Five (5), as Lot No. Two (2) Square Forty-three (43). The diagram of said subdivision is recorded in Plat Book One (1), Page Forty-three (43), Monroe County, Florida.

NOTE: LEGAL DESCRIPTIONS HAVE BEEN FURNISHED BY THE CLIENT OR HIS/HER REPRESENTATIVE, PUBLIC RECORDS HAVE NOT BEEN RESEARCHED BY THE SURVEYOR TO DETERMINE THE ACCURACY OF THESE DESCRIPTIONS NOR HAVE ADJOINING PROPERTIES BEEN RESEARCHED TO DETERMINE OVERLAPS OR HIATUS.

FOUNDATIONS BENEATH THE SURFACE ARE NOT SHOWN. MEASURED DIMENSIONS EQUAL PLATTED OR DESCRIBED DIMENSIONS UNLESS INDICATED OTHERWISE.

- THE FOLLOWING IS A LIST OF ABBREVIATIONS THAT MAY BE FOUND ON THIS SHEET.
- | | | |
|----------------------------|--|------------------------------------|
| DELTA = CENTRAL ANGLE | IP = IRON PIPE | PRC = POINT OF REVERSE CURVE |
| ADPH = ASPHALT | IR = IRON ROD | PRM = PERMANENT REFERENCE MONUMENT |
| A = ARC LENGTH | M = MEASURED | PT = POINT OF TANGENT |
| CL = CENTERLINE | MEAS = MEASURED | R = RADIUS |
| CM = CONCRETE MONUMENT | NGVD = NATIONAL GEODETIC VERTICAL DATUM (1929) | RES = RESIDENCE |
| CONC = CONCRETE | NTS = NOT TO SCALE | ROL = ROOF OVERHANG LINE |
| CVD = COVERED | P = PLAT | ROW = RIGHT OF WAY |
| DFEASE = DRAINAGE EASEMENT | P&M = PLAT & MEASURED | ROWL = RIGHT OF WAY LINE |
| EL = ELEVATION | PC = POINT OF CURVE | TYP = TYPICAL |
| ENCL = ENCLOSURE | PCC = POINT OF COMPOUND CURVE | UEASE = UTILITY EASEMENT |
| ENCR = ENCROACHMENT | PCP = PERMANENT CONTROL POINT | UP = UTILITY POLE |
| EOP = EDGE OF PAVEMENT | PK = POINT OF BEGINNING | WM = WATER METER |
| FF = FINISHED FLOOR | PI = POINT OF INTERSECTION | |
| FI = FENCE INSIDE | POB = POINT OF BEGINNING | |
| FND = FOUND | PI = POINT OF INTERSECTION | |
| FO = FENCE OUTSIDE | POC = POINT OF COMMENCEMENT | |
| FOL = FENCE ON LINE | | |

SCALE:	1"=20'
FIELD WORK DATE	12/08/05
REVISION DATE	--
SHEET	1 OF 1
DRAWN BY:	DDD
CHECKED BY:	RR
INVOICE NO.:	5112804

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, FURNELIANT TO SECTION 472.027, FLORIDA STATUTES. THIS SURVEY, WHEN SCHEDULE B HAS BEEN PROVIDED MEETS THE PROVISIONS OF FLORIDA ENDORSEMENT FORM 9, SUBPARAGRAPH 1(B) 1 (SETBACKS), 1 (B)2 (ENCROACHMENTS), & 1 (B)4 (EASEMENTS), SCHEDULE "B" HAS NOT BEEN PROVIDED.

R.E. Reece

ROBERT E. REECE, PSM #5632, PROFESSIONAL SURVEYOR AND MAPPER, LB #6864

R.E. REECE, P.A.

PROFESSIONAL SURVEYOR AND MAPPER

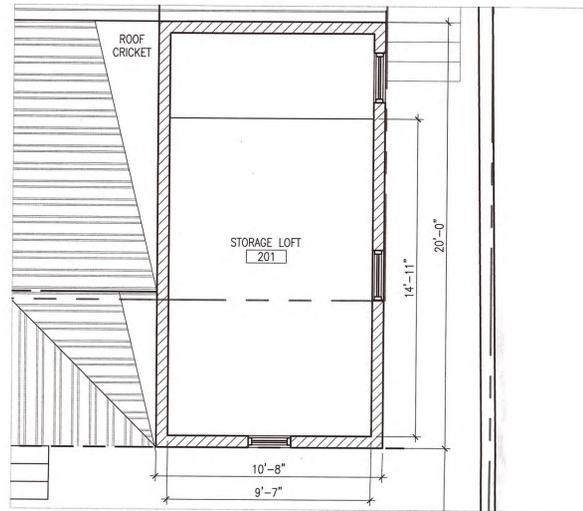
30364 QUAIL ROOST TRAIL, BIG PINE KEY, FL 33043
OFFICE (305) 872-1348
FAX (305) 872-5622

NOT VALID WITHOUT THE SIGNATURE AND THE RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER

Site Plans

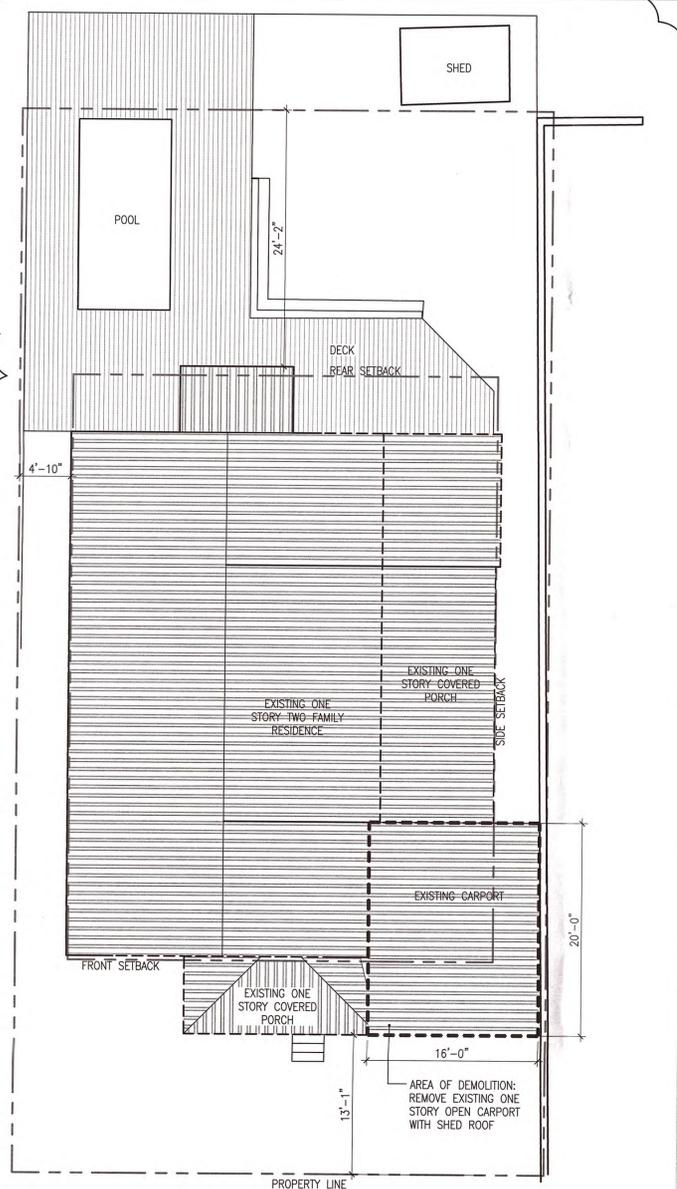
SITE CALCULATIONS

	ALLOWED	EXISTING	PROPOSED	COMPLIANCE	Variance Request
HEIGHT	25'	18'-1"	22'-2"	Yes	
BUILDING COVERAGE	35%	2,483 s.f. (49.9%)	2,412 s.f. (48.2%)	N/A	
IMPERVIOUS SURFACE RATIO	50%	2,640 s.f. (52.8%)	2,569 s.f. (51.2%)	N/A	
OPEN SPACE	35%	2,360 s.f. (47.2%)	2,431 s.f. (48.8%)	Yes	
LOT SIZE	Min. 6,000 s.f.	5,000s.f.	N/A	N/A	
LOT WIDTH	Min. 40'	50'	N/A	N/A	
LOT DEPTH	Min. 90'	100'	N/A	N/A	
FRONT SETBACK	Min. 20'	13'-1"	13'-1"	NO	6'-11"
SIDE SETBACK (EAST)	Min. 5'	11"	4'	NO	1'
SIDE SETBACK (WEST)	Min. 5'	4'-10"	4'-10"	N/A	
REAR SETBACK	Min. 25'	24'-2"	24'-2"	N/A	
RESIDENTIAL UNITS	2	2	2	YES	

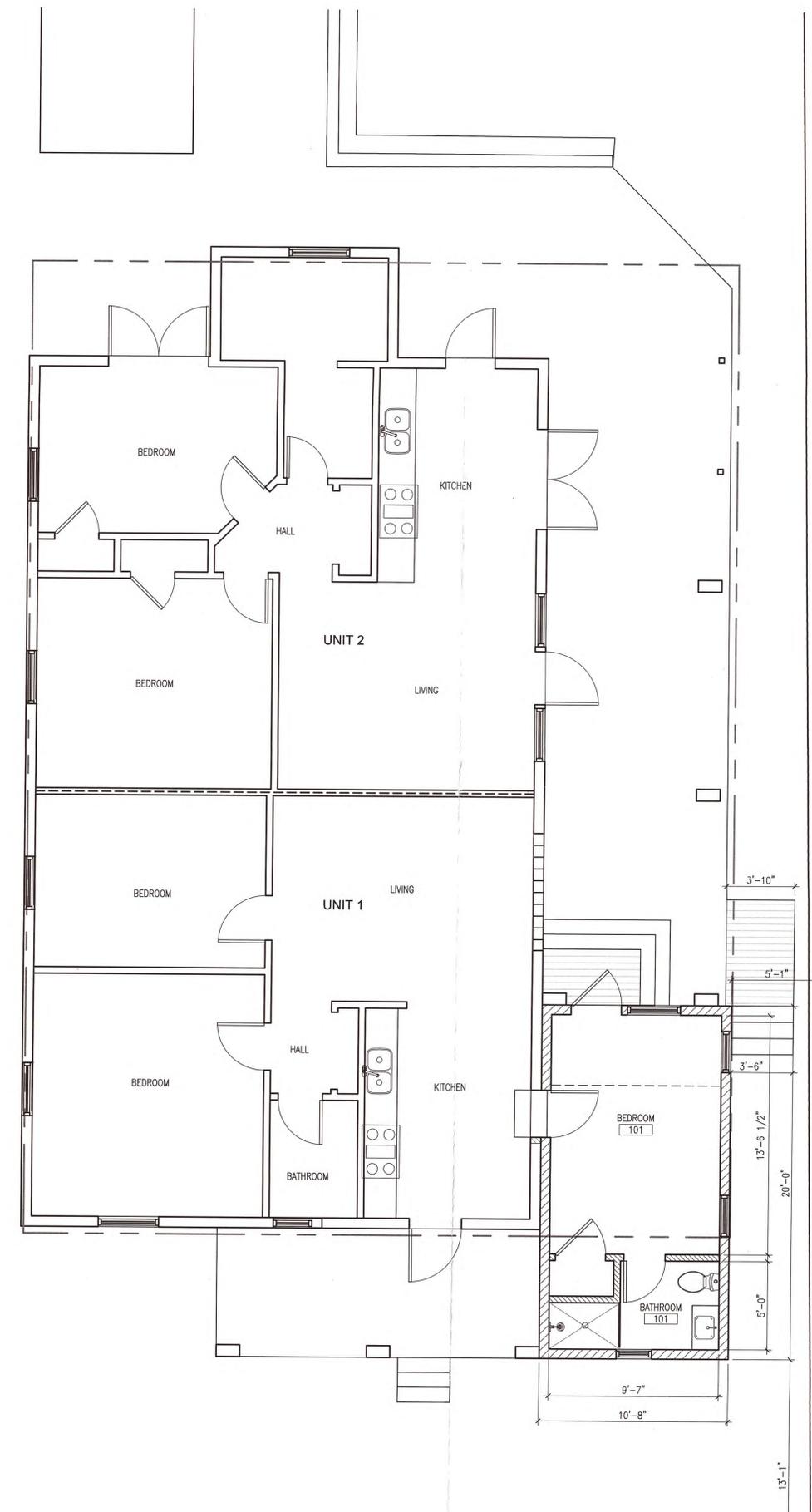


2 PROPOSED SECOND FLOOR PLAN

SCALE: 1/4"=1'-0"

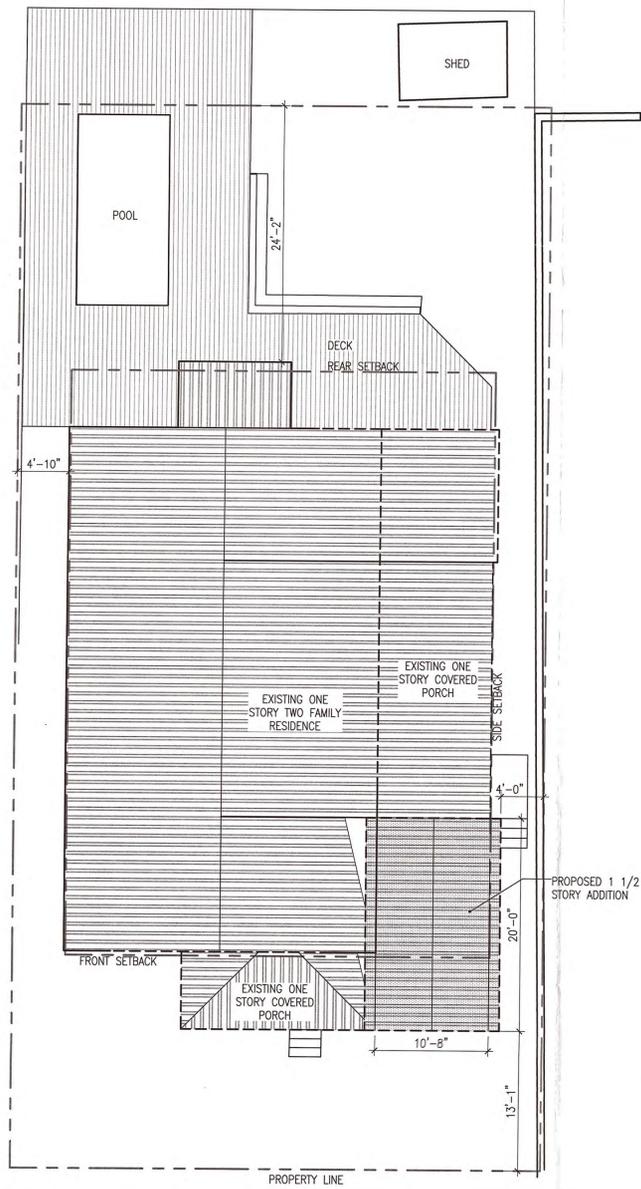


2
A2.1



1
A2.1

SCALE: 1/4"=1'-0"



4
A2.1

SCALE: 1/8"=1'-0"

3
A2.1

SCALE: 1/8"=1'-0"

Tel: 305-890-6191
Email: info@wshepler.com
513 Fleming St, Suite 14
Key West, FL 33040



2-5-15
Consultants:

Submissions / Revisions:
PLANNING SUBMISSION - 2014.10.30
PLANNING REV 1 - 2015.01.26

2503 FOGARTY AVENUE
KEY WEST, FL
RESIDENTIAL ADDITION PROJECT

Drawing Size: 24x36 | Project #: 14009

PROPOSED FLOOR PLANS & SITE PLAN

Sheet Number:
A-2.1

Site Photos



View from the adjacent neighbor



View from the rear of the home



Rear encroachment onto City ROW (fence, portion of deck and shed)



DRC
Minutes & Comments

Carlene Smith

From: Scott Fraser
Sent: Friday, February 27, 2015 1:50 PM
To: Carlene Smith
Cc: Kevin Bond; Venetia A. Flowers; Ron Wampler
Subject: RE: DRC Comments: Variance - 2503 Fogarty Avenue

I received a telephone call from the Applicant, who described the addition as a 200sf bedroom that'll be elevated at least to Design Flood Elevation.

When I inquired about a 2nd story, he said that would simply be a loft as opposed to a full 2nd story.

If this is reflected in the plans presented at the time of permitting, it shouldn't equate to a Substantial Improvement.

I explained the building market value methods used, along with methods of validating the cost of improvements.

He seems to understand the concerns and thresholds.

Scott

Scott Fraser, CFM - FEMA/CRS Coordinator & Floodplain Administrator
T: 305-809-3810 | sfraser@cityofkeywest-fl.gov | www.KeyWestCity.com/Flood

From: Scott Fraser
Sent: Thursday, February 26, 2015 3:36 PM
To: Carlene Smith (cesmith@cityofkeywest-fl.gov)
Cc: Kevin Bond (kbond@cityofkeywest-fl.gov); Venetia A. Flowers; Ron Wampler
Subject: DRC Comments: Variance - 2503 Fogarty Avenue

Regarding a proposal to reconstruct a single-story residence at 2503 Fogarty Avenue, into a two-story residence.

The City's Floodplain Administrator strongly urges the Applicant to present the plans for a Substantial Improvement analysis prior to any future hearings, or for such bodies to require this analysis in advance of hearings.

Given that the Property Appraiser's value for this building is \$125,824, it's highly questionable that such a reconstruction could occur without reaching the 50% Substantial Improvement threshold, which would then trigger elevation of the building above the designated flood level.

Even with a likely much higher private market value appraisal of this building, it's questionable whether such a project could be accomplished without elevation.

The potential adverse consequences extend beyond the current application, as there's a five-year cumulative value to Substantial Improvement calculations. Building projects toeing the Substantial Improvement line run the risk of still

having to elevate the building even after the initial project has been completed, should unanticipated repairs occur for any reason during that period.

It would be best for all involved, if the Substantial Improvement analysis were conducted sooner than typically occurs during the approval/permitting process.

Scott

Scott Fraser, CFM - FEMA/CRS Coordinator & Floodplain Administrator
BUILDING DEPARTMENT – FLOODPLAIN MANAGEMENT | 3140 FLAGLE AVE. | KEY WEST, FLORIDA 33040
T: 305-809-3810 | sfraser@cityofkeywest-fl.gov | www.KeyWestCity.com/Flood

Carlene Smith

From: Karen DeMaria
Sent: Wednesday, February 25, 2015 4:43 PM
To: Venetia A. Flowers
Cc: Kevin Bond
Subject: RE: DRC Agenda - 2/26/15

I will not be able to attend the February 26 DRC meeting due to my current work load and deadlines. Below are my comments:

1. 1011 Whitehead St: There appears to be existing vegetation in the proposed easement area. Recommend any proposed easement also cover maintenance of vegetation within the easement area. Please note that some of this vegetation might be regulated if a decision is made to remove any of it. If construction work is to occur in the area, these trees need to be protected.
2. 718 Olivia St: No comment.
3. 803 Whitehead St: No comment.
4. 1112 Elgin Lane: Any demo and/or construction work must avoid any impacts to regulated trees in the area, including roots and branches hanging over the potential work area. All trees on the property and neighboring property must be protected from any demolition or construction work.
5. 2503 Fogarty Ave: No comment regarding variance. Do have an issue with the alley in the rear of the property and the fact that there appears to be a deck, fence, and shed on City property. This is a problem not only on this lot but the entire area. Community Services is not able to maintain vegetation in these areas due to encroachments and it is causing continual problems. Also, any demo and/or construction work must avoid any impacts to regulated trees in the area, including roots and branches hanging over the potential work area. All trees on the property and neighboring property must be protected from any demolition or construction work.
6. 417 Eaton St: No comment.
7. 500 Duval St: No comment.
8. 101 Duval St: no comment regarding variance. Property and project has already been reviewed by the Tree Commission.

Sincerely,

Karen

Karen DeMaria
Urban Forestry Manager/Tree Commission
Certified Arborist
305-809-3768

From: Venetia A. Flowers
Sent: Wednesday, February 11, 2015 1:20 PM

To: Carlene Smith; Kevin Bond

Cc: dickmoodyffa@bellsouth.net; Maria.Abreu@keysenergy.com; Alfonso, Matthew; Rod Delostrinos; Jason Barroso; Elizabeth Ignoffo; Steve Torrence; Gary Volenec; Ron Wampler; Karen DeMaria; Enid Torregrosa; Norman Whitaker; Alison Higgins; Scott Fraser; William Thompson; Peg Corbett; John Wilkins; Mary Anderson

Subject: DRC Agenda - 2/26/15

Good afternoon all,

The DRC agenda and supporting documentation is available online. [DRC Agenda - 2/26/15](#)

Venetia A Flowers | Planning Department | City of Key West | P.O. Box 1409 | Key West, FL 33041

Tel: 305-809-3764 | Fax: 305-809-3978 | vflowers@cityofkeywest-fl.gov | www.keywestcity.com



(305) 295-1000
1001 James Street
PO Box 6100
Key West, FL 33040-6100
www.KeysEnergy.com

UTILITY BOARD OF THE CITY OF KEY WEST

February 26, 2015

Planning Director
City of Key West
PO Box 1409
Key West, Florida 33040

REVISED

RE: DEVELOPMENT REVIEW COMMITTEE
KEYS ENERGY SERVICES COMMENTS FOR MEETING OF February 26, 2015

Dear Planning Director:

Keys Energy Services (KEYS) received the Development Review Committee Agenda for February 26, 2015. KEYS reviewed the items that will be discussed at the City's Development Review Committee meeting.

Below are KEYS' comments:

1. LOCATION: 1011 Whitehead Street – Easement
COMMENT: KEYS has no objections to the easement request.
2. LOCATION: 718 Olivia Street – Variance
COMMENT: KEYS has no objections to the variance request.
3. LOCATION: 803 Whitehead Street – Exception for Outdoor Merchandise Display
COMMENT: KEYS has no objections to exception for outdoor merchandise display request.
4. LOCATION: 1112 Elgin Lane – Variance
COMMENT: KEYS has no objections to the variance request.
5. LOCATION: 2503 Fogarty Avenue – Variance
COMMENT: KEYS has no objections to the variance request.
6. LOCATION: 417 Eaton Street – Special Exception Request
COMMENT: KEYS has no objections to the special exception request.
7. LOCATION: 500 Duval Street – Special Exception Request
COMMENT: KEYS has no objections to the special exception request.
8. LOCATION: 101 Duval Street – Variance
COMMENT: KEYS has no objections to the variance request.

Thank you for giving KEYS the opportunity to participate in the City's review process. If you have any questions, please call me at 295.1055.

Sincerely,



Matthew Alfonso
Supervisor of Engineering
Matthew.Alfonso@KeysEnergy.com

MA/mpa

Copied via electronic mail:

L. Tejada, General Manager & CEO
J. Wetzler, Asst. General Manager & CFO
D. Finigan, Director of Engineering & Control
E. Zarate, Director of Customer Services
File: PLI-132



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

Development Review Committee
February 26, 2015
Utilities Comments

**1011 Whitehead Street
Easement**

No comments.

**718 Olivia Street
Side Yard Setback Variances**

No comments.

**803 Whitehead Street
Outdoor Merchandise Display**

No comments.

**1112 Elgin Lane
Rear Yard Setback Variances**

No comments.

**2503 Fogarty Avenue
Off-street Parking Variance**

No comments.

**417 Eaton Street
Alcohol Exception**

No comments.

**500 Duval Street
Alcohol Exception**

No comments.

**101 Duval Street
Parking Space Requirement Variance**

No comments.

- 7 Variance - 101 Duval Street (AK # 1000469, RE # 00000470-000000) - A request for a variance to the minimum parking space requirement in order to accommodate additional commercial floor area for a property located within the Duval Street Gulfside (HRCC-1) Zoning District

Response: Would prefer that Applicant first provide a parking layout conforming to City Code as summarized below for review and comment. Then variance request(s) should be made based on deviations from a Code compliant site parking layout. Ability to charge/sell general parking spaces does not appear to be a justified basis for a variance request for the non-conforming size and number of spaces required by Code based on the Commercial Parking count requirements. Also, Historic data may not be indicative of parking demands associated with new Tenant.

Code Summary: LDC Sec. 108-641. - Driveways, Aisles and Stalls requires 9'x18' parking spaces with a 24' driveway aisle for backing. Sec. 108-646 Compact Car Spaces, Parking lots with 20 or more spaces may be comprised of a maximum of 15 percent compact car parking stalls. Such compact car stalls shall be 7½ feet wide by 15 feet long and marked for use by small vehicles. Additionally, applicant may request a Modification which allows up to forty percent of total spaces to have a width and length of 7.5 feet by 15 feet with City Commission approval where modifications are demonstrated as needed by the applicant and recommendations of the City staff.

8. Variance - 2503 Fogarty Avenue (RE # 00050520-000000; AK # 1051128) - A request for variances to front and side yard setback, and parking reduction

Response: According to LDC Sec. 108-572. - Schedule of off-street parking requirements by use generally, the minimum number of parking spaces required for single family is 1 space per dwelling unit. Sec. 108-578. - Driveways serving single-family dwellings has the requirement that a driveway leading to a carport or garage may be considered a parking space if the driveway is at least 20 feet in length between the front lot line (due to extenuating circumstances 18 feet can be allowed). However, the applicant's request for a variance "Reducing size of exist. space to 13' in length" is not supported by the Engineering Department as this is too small to viably park most automobiles, and there is no way to assure what kind of automobile will be parked there now or in the future. It seems that what the applicant should be requesting is the waiving of the requirement to provide off street parking; this matter would be referred to the Planning Department.

Development Review Committee Minutes

December 19, 2014 DRAFT

Acting Planning Director, Kevin Bond called the Development Review Committee meeting of December 19, 2014 to order at 10:03 a.m. at Old City Hall in the antechamber at 510 Greene Street, Key West.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present were: Acting City Planner, Kevin Bond; Fire Department, Jason Barroso; HARC Planner, Enid Torregrosa; Utility Services, Elizabeth Ignoffo; Urban Forestry Manager, Karen DeMaria; Director of Transportation, Norman Whitaker; Building Official, Ron Wampler arrived at 10:08 a.m.

Not present were: Sustainability Coordinator, Allison Higgins; Art in Public Places, Dick Moody, Engineering, Gary Volenec; Solid Waste/Recycling Coordinator, Will Thompson; Floodplain Manager, Scott Fraser; Community Services, Rod Delostrinos; ADA Coordinator, Peg Corbett, Bicycle/Pedestrian Coordinator, John Wilkins, Police Department, Steve Torrence;.

Additional comments provided by: Key West Engineering Department, Gary Volenec, Keys Energy Supervisor of Engineering Matthew Alfonso; Community Services, Rod Delostrinos.

Also in attendance was Planning Department staff: Carlene Smith and Venetia Flowers.

APPROVAL OF THE AGENDA

A motion to approve the agenda was made by Ms. Torregrosa and seconded by Ms. Elizabeth Ignoffo.

APPROVAL OF MINUTES

There were no minutes to approve.

DISCUSSION ITEMS

New Business

1. **Variance - 2503 Fogarty Avenue** (RE # 00050520-000000; AK # 1051128) - A request for variances to front and side yard setback in order to add a new 1 ½ story addition on property located within the Single Family (SF) zoning district pursuant to Sections 90-395 and 122-238(6)a.1 & 2 of the Land development Regulations of the Code of Ordinances of the City of Key West, Florida.

Ms. Smith gave members an overview of the variance and reminded the applicant that they need to provide various documents for their application, including open space calculations, and updated site plan as with the number of units that are on site. She also stated that the Legal Department is reviewing the right of way encroachment.

Development Review Committee Minutes

December 19, 2014 **DRAFT**

The applicant, William Shepler, Architect, was available for comments and questions.

FIRE DEPARTMENT: Mr. Barroso asked for clarification regarding the setbacks and the height of the stairs.

TRANSPORTATION: No Comment

UTILITIES: Ms. Ignoffo asked the applicant to please install roof gutters and direct downspouts back onto property, into landscaped areas, to prevent stormwater runoff from impacting adjacent properties.

HARC: Ms. Torregrosa stated that she would like to see a demo plan showing that the existing carport is going to be demolished and that it would help clarify the plans. She also stated that the stair landing is not included on the site plans.

URBAN FORESTRY: Ms. DeMaria had no comment regarding the variance. However, she stated that she does have an issue with the alley in the rear of the property and house and that there is a deck and shed. This is a problem not only on this lot but the entire area. Community Services is not able to maintain vegetation in these area due to encroachments and it is causing continual problems.

BUILDING: Mr. Wampler stated that the side yard setback is going to be reduced and asked for clarification regarding the over-hang from the Fire Marshall.

FEMA: Mr. Fraser noted that an acceptable elevation certificate will be necessary to validate the current height of grade before a building permit may be obtained. He also reminded the property owner is cautioned, that additional building permits within the next five years for any part of the building or new addition have the potential to trigger Substantial Improvement threshold requirements that would make elevation of the existing residence to the height of the new addition required.

SUSTAINABILITY: Ms. Higgins asked for clarification regarding the perviousness of the existing porch. She stated that while it appears that you are reducing the impervious surface, it is still over code. As per Comprehensive Plan Policies 1-1.9.2, 4-3.1.1, 4-3.1.2, 4-3.1.6, 6-1.3.1, if this variance is granted, we request a condition that you either get back to 50% impervious or install a cistern to capture rainwater from at least the ~1.2% impervious area over code (50% code – 51.2% proposed). The cistern can help supplement the pool, reducing potable water use.

KEYS ENERGY: No Objections

ENGINEERING: No Comment

COMMUNITY SERVICES: No Objections

PLANNING DIRECTOR: Mr. Bond stated that it looks like the project will qualify for an administrative variance because it is less than 10 feet. He also reminded the applicant to provide an updated survey.

Development Review Committee Minutes

December 19, 2014 **DRAFT**

Mr. Bond also stated that the floor plan doesn't show access to the 2nd floor loft and asked the applicant to make the plans clearer.

- 2. After-the-fact Variance - 3206 Duck Avenue (RE # 00052901-000400; AK # 8653450) - A request for variances to rear and side yard setbacks, maximum building coverage and impervious surface ratio in order to maintain a bathroom addition on property located within the medium density residential (MDR) zoning district pursuant to Sections 90-395, 122-270(4)a.1, 122-270(4b)1 and 122-270(6)a.2 & 3 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Ms. Smith gave members an overview of the after the fact variance and reminded the applicant that they need to provide elevation plans and open space calculations.

The applicant, Rick Milelli, Architect was available for comments and questions.

FIRE DEPARTMENT: Mr. Barroso stated that the Fire Marshall works closely with the Building Department and noted that if this project came before the Planning Department now it would be denied. The building would have to have both the rear and side five foot setback for accessibility.

TRANSPORTATION: No Comment

UTILITIES: Ms. Ignoffo asked the applicant to please direct roof gutters downspouts back onto property.

BUILDING: Mr. Wampler stated that he didn't like what he saw. He asked for clarification for other changes to the structure that were made in the past. He stated that in a townhouse construction there has to be a one to two hour wall because the property abuts the lot line and that would include the roof and deck also. Mr. Wampler also stated that the after the fact addition should be removed because it was done without a permit, the second floor deck should be removed and the mansard roof that was removed should be replaced and proper fire stopping at that break in the mansard roof section as it is at the property line. The deck on the second floor is as much of a concern as the addition on the first floor. He also asked for clarification as to why the mansard roof has been cut back.

FEMA: No Comment

URBAN FORESTRY: No Comment

SUSTAINABILITY: Ms. Higgins stated that –

- As per Comprehensive Plan policies 1-1.9.2 & 6-1.1.3, if a variance is granted, we request a condition that all fixtures and appliances for the bathroom must be WaterSense and Energy Star rated and that a cistern be installed to collect water for the pool.
- As per Comprehensive Plan Policies 1-1.9.2, 4-3.1.1, 4-3.1.2, 4-3.1.6, 6-1.3.1, if this variance is granted, we request a condition that you either get back to 50% impervious or install a cistern

Additional Information

Carlene Smith

From: Michael J. Turner
Sent: Wednesday, December 03, 2014 10:57 AM
To: Carlene Smith
Subject: 2503 Fogarty Ave

Carlene-

We are billing a 2503 Fogarty Front and 2503 Fogarty Rear, each for 1 unit. The total units on the property are 2.

Let me know if you have any questions or need any additional information.

Thanks

Michael Turner

Collection Manager
City of Key West
(305) 809-3816
mturner@cityofkeywest-fl.gov

Property Appraiser Information



Scott P. Russell, CFA
Property Appraiser
Monroe County, Florida

Key West (305) 292-3420
Marathon (305) 289-2550
Plantation Key (305) 852-7130

The Offices of the Property Appraiser will be closed Monday the 16th for Presidents' Day.

Website tested on IE8, IE9, & Firefox.
Requires Adobe Flash 10.3 or higher

Property Record Card -
Maps are now launching the new map application version.

Alternate Key: **1051128** Parcel ID: **00050520-000000**

Ownership Details

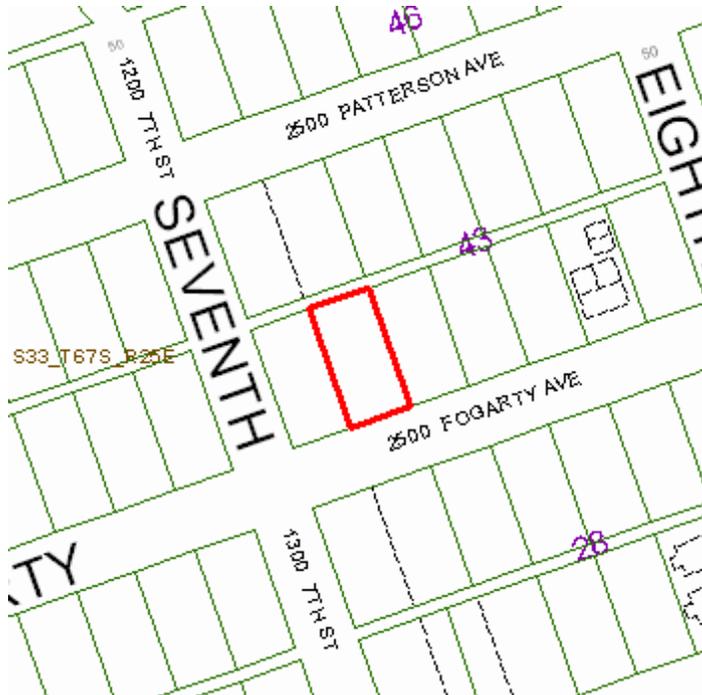
Mailing Address:
SMITH-MARTIN ROBIN
2503 FOGARTY AVE
KEY WEST, FL 33040

All Owners:
SMITH-MARTIN BETHANY R OSTERHOUT H/W, SMITH-MARTIN ROBIN

Property Details

PC Code: 08 - MULTI FAMILY LESS THAN 10UNITS
Millage Group: 10KW
Affordable Housing: No
Section-Township-Range: 33-67-25
Property Location: 2503 FOGARTY AVE KEY WEST
Subdivision: Key West Realty Co's First Sub
Legal Description: KW KW REALTY COS FIRST SUB PB1-43 LOT 2 SQR 43 TR 21 OR265-379/80 OR558-861 OR720-472D/C OR720-464-465 OR763-1245 COUNTY JUDGES DOCKET 77-183-CP-12 OR976-2164 OR1654-1980(LG)

[Click Map Image to open interactive viewer](#)



Exemptions

Exemption	Amount
39 - 25000 HOMESTEAD	25,000.00
44 - ADDL HOMESTEAD	25,000.00

Land Details

Land Use Code	Frontage	Depth	Land Area
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010D - RESIDENTIAL DRY	50	100	5,000.00 SF
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Building Summary

Number of Buildings: 1
Number of Commercial Buildings: 0
Total Living Area: 1450
Year Built: 1943

Building 1 Details

Building Type R2
Effective Age 29
Year Built 1943
Functional Obs 0

Condition G
Perimeter 188
Special Arch 0
Economic Obs 0

Quality Grade 500
Depreciation % 34
Grnd Floor Area 1,450

Inclusions: R2 includes 2 3-fixture baths and 2 kitchens.

Roof Type GABLE/HIP
Heat 1 NONE
Heat Src 1 NONE

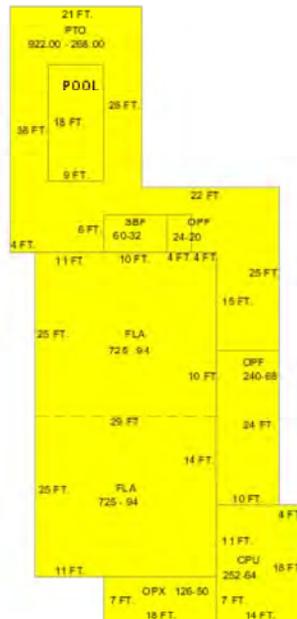
Roof Cover METAL
Heat 2 NONE
Heat Src 2 NONE

Foundation CONC BLOCK
Bedrooms 3

Extra Features:

2 Fix Bath 0
3 Fix Bath 0
4 Fix Bath 0
5 Fix Bath 0
6 Fix Bath 0
7 Fix Bath 0
Extra Fix 0

Vacuum 0
Garbage Disposal 0
Compactor 0
Security 0
Intercom 0
Fireplaces 0
Dishwasher 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement	% Finished	Basement	% Area
-----	------	----------	-----------	------------	-------	-----	----------	------------	----------	--------

0	FLA	1:WD FRAME/COMPOSITE	1	1987	Y				725
1	FLA	1:WD FRAME/COMPOSITE	1	1987	N Y	0.00	0.00		725
2	OPX		1	1987		0.00	0.00		126
3	CPU		1	1987		0.00	0.00		252
4	OPF		1	1987		0.00	0.00		240
5	OPF		1	1987		0.00	0.00		24
6	SBF	1:WD FRAME/COMPOSITE	1	1987	N N	0.00	0.00		60
7	PTO		1	2002		0.00	0.00		922

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	FN2:FENCES	192 SF	0	0	1986	1987	2	30
2	PT4:PATIO	30 SF	0	0	1979	1980	4	50
3	AC2:WALL AIR COND	2 UT	0	0	1984	1985	1	20
4	UB2:UTILITY BLDG	70 SF	10	7	1987	1988	3	50
5	FN2:FENCES	763 SF	109	7	2002	2003	2	30
6	PO3:RES POOL GNIT	162 SF	18	9	2002	2003	5	40

Appraiser Notes

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Building Permits

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
14-1482	04/15/2014	05/16/2014	19,000	Residential	REMOVE KITCHEN CABINETS APPROX 15 LF REPLACE WITH NEW KITCHEN CABINETS, RE-TRIM & RE-PAINT THE KITCHEN
00-0235	01/26/2000	07/19/2000	1,000	Residential	200 AMP SERVICE
02-1256	05/15/2002	10/24/2002	21,700	Residential	POOL+ELECT+NEW DECK
03-0000	01/22/2003	11/21/2003	21,700	Residential	ATF POOL WIREING
03-1051	03/24/2003	11/21/2003	900	Residential	REPLACE SEWER LATERAL
03-3262	09/22/2003	11/21/2003	5,900	Residential	REWIRE A/C UNIT
06-1752	03/22/2006	08/09/2006	2,000	Residential	INSTALL NEW KITCHEN CABINETS AT FRONT UNIT

Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2014	125,824	13,281	113,750	252,855	242,682	25,000	217,683
2013	127,603	13,696	110,000	251,299	239,039	25,000	215,122
2012	129,637	14,224	82,500	226,361	226,361	25,000	201,361
2011	129,637	14,611	90,000	234,248	234,248	25,000	209,248
2010	131,543	15,166	130,000	276,709	276,709	25,000	251,709
2009	146,648	15,560	130,000	292,208	292,208	25,000	267,208
2008	133,316	16,095	257,500	406,911	406,911	0	406,911
2007	153,872	13,075	250,000	416,947	416,947	0	416,947
2006	193,079	13,495	300,000	429,342	429,342	0	429,342
2005	264,037	13,812	225,000	502,849	502,849	0	502,849
2004	185,142	14,279	165,000	364,421	318,925	25,000	293,925
2003	211,685	14,621	75,000	301,306	284,818	25,000	259,818
2002	183,615	1,630	70,000	255,245	237,173	25,000	212,173
2001	143,971	1,679	70,000	215,650	215,650	25,000	190,650
2000	104,878	589	50,000	155,467	155,467	0	155,467
1999	101,230	593	50,000	151,823	151,823	0	151,823
1998	90,070	528	50,000	140,598	140,598	0	140,598
1997	82,959	511	40,000	123,470	123,470	0	123,470
1996	60,948	409	40,000	101,358	101,358	0	101,358
1995	58,691	410	40,000	99,101	99,101	0	99,101
1994	49,662	361	40,000	90,023	90,023	0	90,023
1993	49,723	220	40,000	89,943	89,943	0	89,943
1992	48,645	229	40,000	88,874	88,874	0	88,874
1991	48,645	240	40,000	88,885	88,885	0	88,885
1990	48,645	248	37,500	86,393	86,393	0	86,393
1989	44,223	233	36,250	80,706	80,706	0	80,706
1988	44,099	168	27,500	71,767	71,767	0	71,767
1987	43,553	0	19,550	63,103	63,103	0	63,103
1986	31,533	0	18,300	49,833	49,833	0	49,833
1985	30,577	0	18,250	48,827	48,827	0	48,827
1984	28,557	0	18,250	46,807	46,807	0	46,807
1983	21,266	0	18,250	39,516	39,516	0	39,516
1982	21,687	0	13,050	34,737	34,737	0	34,737

Parcel Sales History

NOTE: Sales do not generally show up in our computer system until about two to three months after the date of sale. If a recent sale does not show up in this list, please allow more time for the sale record to be processed. Thank you for your patience and understanding.

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
9/15/2000	1654 / 1980	260,000	WD	Q
6/1/1986	976 / 2164	79,000	WD	Q
2/1/1973	763 / 1245	13,800	00	Q

This page has been visited 270,332 times.

Monroe County Monroe County Property Appraiser
Scott P. Russell, CFA
P.O. Box 1176 Key West, FL 33041-1176

Public Notices
(radius map & mailing list)

Public Meeting Notice

The Key West Planning Board will hold a public hearing **at 6:00 PM on March 19, 2015 at Old City Hall, 510 Greene Street**, Key West, Florida, (behind Sloppy Joe's Bar). The purpose of the hearing will be to consider a request for:

Variance - 2503 Fogarty Avenue (RE # 00050520-000000; AK # 1051128) - A request for variance approval to off-street parking requirements and front and side yard setbacks in order to convert a carport into a new 1 ½ story addition on property located within the Single Family (SF) zoning district pursuant to Sections 90-395, 108-572 and 122-238(6)a.1 & 2 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

The public may examine the application during regular office hours, Monday through Friday between 8:00 AM and 5:00 PM, at the City of Key West Planning Department, located in Habana Plaza at 3140 Flagler Avenue. The application may also be examined online at www.keywestcity.com. Written responses must be submitted before the hearing to the contact person below.

Contact: Carlene Smith, Planner II; E-mail: cesmith@cityofkeywest-fl.gov; Phone: 305-809-3722; Fax 305-809-3978; **Mail:** PO Box 1409, Key West FL 33041-1409

THIS NOTICE CANNOT BE REMOVED FROM THE SITE UNTIL AFTER PLANNING BOARD DETERMINATION.

YOU ARE A PROPERTY OWNER WITHIN 300 FEET OF THE SUBJECT PROPERTY

The City of Key West Planning Board will hold a Public Hearing to consider the following request:

Variance - A request for variance approval to off-street parking requirements and front and side yard setbacks in order to convert a carport into a new 1 ½ story addition on property located within the Single Family (SF) zoning district pursuant to Sections 90-395, 108-572 and 122-238(6)a.1 & 2 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Applicant: William Shepler, Architect **Owner:** Robin and Bethany Smith-Martin

Location: 2503 Fogarty Avenue (RE # 00050520-000000; AK # 1051128)

Date of Hearing: March 19, 2015 **Time of Hearing:** 6:00 PM

Location of Hearing: Old City Hall, 510 Greene Street, City Commission Chambers

Interested parties may appear at the public hearing and be heard with respect to the application. Packets can be viewed online, the Friday before the meeting at www.keywestcity.com. Click on City Board & Committee Agendas. A copy of the corresponding application is available from the City of Key West Planning Department located at 3140 Flagler Avenue, Key West, Florida, Monday through Friday between the hours of 8:00 am and 5:00 pm.

Please provide written comments to: Carlene Smith, Planner II; **E-mail:** cesmith@cityofkeywest-fl.gov;
Phone: 305-809-3722; Fax 305-809-3978; Mail: PO Box 1409, Key West FL 33041-1409

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Planning Commission or the City Commission with respect to any matter considered at such hearing or meeting, one will need a record of the proceedings and for such purpose that person may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based.

ADA Assistance: It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number at 305-809-1000 or the ADA Coordinator at 305-809-3731 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

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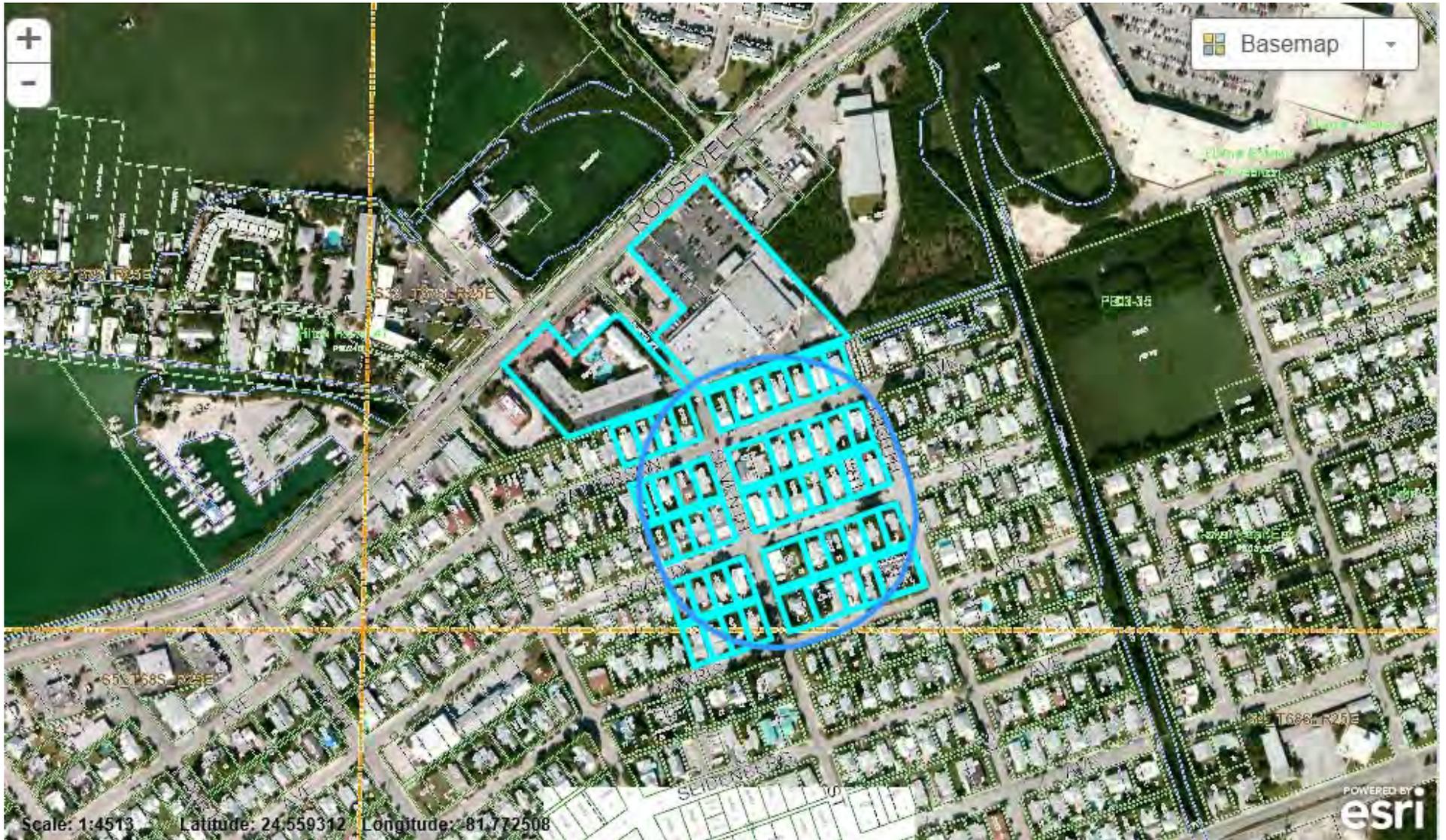
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NAME	ADDRESS	UNIT	CITY	STATE	ZIP	COUNTRY
1	1310 8TH ST LLC		1002 WAS KEY WEST	FL	33040-4848	
2	2420 PATTERSON AVENUE ASSOCIATION LLC		2420 PATTKEY WEST	FL	33040-3818	
3	ANKEN CHARLES A AND SANDRA S OLIVIERI LIVING TRUST		1113 17TH KEY WEST	FL	33040-4276	
4	ARENA PAMELA		2423 PATTKEY WEST	FL	33040	
5	ATKINSON CHARLES W AND CATHERINE M		2520 FOG, KEY WEST	FL	33040	
6	BETHEL LEONARD W		2519 PATTKEY WEST	FL	33040-3918	
7	BROWN KATHERINE S		PO BOX 2, KEY WEST	FL	33045-2327	
8	BROWN PAUL A AND ALISON		6801 GUN MIDDLE RIVER	MD	21220-1021	
9	BUDDE MICHAEL J AND ANGELA		2429 HARI KEY WEST	FL	33040	
10	COMMANDER MICHAEL A JR AND DEBRA J		2438 PATTKEY WEST	FL	33040-3818	
11	CONCH PLAZA LLC		513 FLEM KEY WEST	FL	33040-6861	
12	FINEGAN SEAN T B		2521 FOG, KEY WEST	FL	33040	
13	GALLAGHER KRISTIAN M		2427 PATTKEY WEST	FL	33040-3817	
14	GOMEZ KATERINA		1300 8TH, KEY WEST	FL	33040-3901	
15	HARRIS AND ALMONTE HOLDINGS LLC		714 SOUT KEY WEST	FL	33040-4770	
16	HERR THOMAS J AND TARYN GS		2242 ESSE BALTIMORE	MD	21231-3211	
17	HODGE JAN E		2520 PATTKEY WEST	FL	33040-3919	
18	JOHNSON STREET INVESTMENTS LIMITED		2520 PATTKEY WEST	FL	33040-3919	
19	KEENAN TERANCE E AND GWEN L H/W		5008 BRILI TALLAHASSEE	FL	32312	
20	KILLION GERARD M AND GALE LABBATE		2430 PATTKEY WEST	FL	33040	
21	KONGOS SUSAN MARIE		1301 7TH, KEY WEST	FL	33040-3941	
22	LEONARD BERT C AND SHARON K		8795 STRE BOULDER	CO	80302	
23	LINDER GEORGE W JR AND PAMELA L		15 W CYPI KEY WEST	FL	33040-6234	
24	LUCE JAMES W		1218 BIG I SAINT HELENA IS SC	SC	29920-3065	
25	LUJAN LILIA F IRREVOCABLE TR AGR 1/3/2001	C/O GOINS SUSAN TRUSTEE	4000 40TH SAINT PETERSBL	FL	33711-4214	
26	LUTZ SHANNON R AND ROBERT H JR		2501 HARI KEY WEST	FL	33040-3942	
27	MAYOR DAYREL AND ZAYLI		2437 FOG, KEY WEST	FL	33040	
28	MCCANDLESS JOHN W		2525 PATTKEY WEST	FL	33040-3918	
29	MIZELLE HOWARD LELAND		5737 OAK OVIEDO	FL	32765-7366	
30	MONZON EMELINA L/E		2508 PATTKEY WEST	FL	33040-3919	
31	NASEIRO LORENZO JR AND DAISY M		2521 PATTKEY WEST	FL	33040-3918	
32	NYSTROM FRANCES H REV TR 9/14/2009		3417 RIVIE KEY WEST	FL	33040	
33	OPPICI LAWRENCE J		2841 NE 3, FORT LAUDERDA	FL	33306-2096	
34	OTTO SUZANNE C		2524 PATTKEY WEST	FL	33040-3919	

NAME	ADDRESS	UNIT	CITY	STATE	ZIP	COUNTRY
35	PANEK DAVID G	PO BOX 1	KEY WEST	FL	33041-1053	
36	PHIPPS INGRID	2420 PATT	KEY WEST	FL	33040-3818	
37	REINHOLD JAMES A AND JAMI L	2437 HARI	KEY WEST	FL	33040-3850	
38	RLJ II-F KEY WEST LLC	3 BETHES	BETHESDA	MD	20814-6347	
39	ROBERTS AMELIA	1210 8TH	KEY WEST	FL	33040	
40	RUSSELL SCOTT P AND MARILYN DIANNE	2507 FOG	KEY WEST	FL	33040	
41	SMITH-MARTIN ROBIN	2503 FOG	KEY WEST	FL	33040	
42	SPENCER ROBERT E AND JERRY	PO BOX 2	KEY WEST	FL	33045-2672	
43	SUNDERMAN ROBERT E AND HEATHER M	PO BOX 3	KEY WEST	FL	33041-0387	
44	SUNSET CITY LLC	C/O LASALLE HOTEL PROPERTI	3 BETHES BETHESDA	MD	20814-6358	
45	TETREAUULT JOSEPH M AND ELLEN M	2509 HARI	KEY WEST	FL	33040-3942	
46	THORNEWELL GEORGE D III	2420 PATT	KEY WEST	FL	33040-3818	
47	THRASHER LAYNE	2427 HARI	KEY WEST	FL	33040	
48	US BANK NATIONAL ASSOCIATION	C/O GREENSPOON MARDER PA	100 W CYF FORT LAUDERDA	FL	33309-2195	
49	VALDES ALBERTO	C/O MALONEY RAY AND YOLANI	2420 FOG	FL	33040	
50	WALSH JOSEPH H	909 16TH	KEY WEST	FL	33040	
51	WARREN ELIZABETH ANN	2501 FOG	KEY WEST	FL	33040	
52	WILBUR WRIGHT 725 LLC	1331 DUN	KEY WEST	FL	33040-3446	
53	WILLIAMSON NICHOL Y	2527 PATT	KEY WEST	FL	33040	
54	WRIGHT DAVID HARRISON	2507 HARI	KEY WEST	FL	33040	
55	ZHANG SHI XING	209 KEY D	BIG PINE KEY	FL	33043-4905	
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